

# Texas Workforce Commission

A Member of Texas Workforce Solutions

Ruth R. Hughes, Chair  
Commissioner Representing  
Employers

Julian Alvarez  
Commissioner Representing Labor

Robert D. Thomas  
Commissioner Representing the Public

Edward Serna  
Interim Executive Director

Roberto G. Lucio  
THE LAW OFFICES OF GUERRA & FARAH PLLC  
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4101 Washington Ave. 3rd Floor  
Houston, TX 77007

## NOTICE OF DISMISSAL AND RIGHT TO FILE CIVIL ACTION

Roberto G. Lucio v. FERN AND TENTH LLC

TWCCRD Charge No.	EEOC Charge No.	TWCCRD Representative:
1A181353	31C-2018-01373	Faith N. Penn

The Civil Rights Division has dismissed this Charge and is closing its file for the following reason:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the TWCCRD.
- ☐ Your allegations did not involve a disability that is covered by the Americans with Disabilities Act or the Texas Labor Code, Chapter 21.
- ☐ The Respondent employs less than the required number of employees or not otherwise covered by the statutes.
- ☐ We cannot investigate your charge because it was not filed within the time limits required by law.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You had 30 days to accept a reasonable settlement offer that afforded full relief for the harm you alleged. You failed to accept the full relief.
- ☐ The TWCCRD issues the following determination: Based upon its investigation, the TWCCRD is unable to conclude that the information obtained establishes any violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☒ **Other: After 180 days from filing their complaint, the Complainant requested a right to sue letter.**

## Exhibit 1

Roberto G. Lucio v. FERN AND TENTH LLC

TWCCRD Charge No: 1A181353

EEOC Charge No. 31C-2018-01373

**NOTICE OF RIGHT TO FILE CIVIL ACTION**

Pursuant to Sections 21.208, 21.252 and 21.254 of the Texas Labor Code, as amended, this notice is to advise you of your right to bring a private civil action in state court in the above referenced case. **PLEASE BE ADVISED THAT YOU HAVE SIXTY (60) DAYS FROM THE RECEIPT OF THIS NOTICE TO FILE THIS CIVIL ACTION.** The time limit for filing suit based on a federal claim may be different.

**EEOC REVIEW NOTICE:**

As your charge was dual filed under Title VII of the Civil Rights Act/Age Discrimination in Employment Act/Americans with Disabilities Act, which are enforced by the U.S. Equal Employment Opportunity Commission (EEOC), you have the right to request an EEOC review of this final decision on your case. **To secure a review, you must request it in writing within fifteen (15) days from the date of the notice.** Send your request to: San Antonio EEOC, 5410 Fredericksburg Road, Suite 200, San Antonio, TX 78229.

On behalf of the Division

  
Lowell A. Keig  
Division Director

4/1-19

Date

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